In the High Court of Judicature for Rajasthan
Jaipur Bench
**
Cr. Msc. Petition No.312/2005
Shanker Lal & Bhagwan ***Versus*** State

Date of Order ::: 11/12/07

Hon'ble Mr. Justice Ajay Rastogi

Mr. Rinesh Gupta, for petitioners
Mr. Arun Sharma, Public Prosecutor
Mr. Rajnish Gupta for complainant

Instant petition U/s 482, CrPC has been filed by accused assailing order dt.05/10/01 whereby Judl. Mag. Atru (Baran) took cognizance of offences U/Ss 302, 307 & 452, IPC in Cr.Case NO.646/2001, upheld by Addl. Sess. Judge Chhabra while dismissing their revision petition NO.11/03 vide order dt. 01/03/05.

On instructions, Counsel pressed instant petition only on behalf of petitioner NO.1; since petitioner NO.2 has been arrested and his only grievance apart from merits against the order taking cognizance, is that he has been summoned through no-bailable warrant at the first stage was not justified on the part of the trial Magistrate. This Court has gone through the order impugned and is of the opinion that looking to nature of offences alleged, of which trial Magistrate took cognizance, no error has been committed in summoning petitioners through non-

bailable warrant. Despite the fact that petitioner No.1 has been summoned by non-bailable warrant vide order passed long back on 05/10/01, the authority have failed to produce petitioner No.1 in execution of arrest warrant impugned. This Court finds no infirmity to call for interference in the order impugned.

Consequently, misc. petition fails and is hereby dismissed alongwith stay petition.

(**Ajay Rastogi), J.**

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